

TOWN OF SCITUATE

*Planning Board*



600 Chief Justice Cushing Hwy  
Scituate, Massachusetts 02066  
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**Accessory Dwelling Special Permit 22 Beal Place  
Decision: APPROVED with Conditions**

Owner: Angela Stout  
Applicant: Angela Stout  
Date: January 29, 2024  
Location: 22 Beal Place  
Assessor's Map: #50-5-40

Plans: plans submitted with the application by 209 Design dated October 16, 2023 consisting of 1 sheet A1 Elevations & Floor Plans – Design 3; Plan of Land at 22 Beal Place, Scituate, MA prepared for Angela Stout dated November 22, 2023 by Webby Engineering Associates, Inc.  
Members Hearing Special Permit Application: Ann Burbine, Robert MacLean, Patricia Lambert, Rebecca Lewis and Stephen Pritchard.

**Background:** The property is located in the Residential R-3 Zoning District on a lot of approximately 11,364 sq. ft. according to the site plan. The accessory dwelling is proposed in an existing detached garage on the lot of a single-family dwelling. The proposed accessory dwelling will have a loft, bathroom, kitchen area and living space. There is an entrance to the accessory dwelling through the existing detached garage and a door to the outside from the accessory dwelling on the west side of the accessory dwelling. Based on a floor plan submitted by the applicant, the floor area of the accessory dwelling is approximately 450 sq. ft. It is proposed to be authorized as a legal living unit through approval of an accessory dwelling special permit by the Planning Board. The total area of the primary dwelling is 2,200 sq. ft. according to the application. The accessory dwelling is 20% of the size of the primary dwelling which is allowed as it is 750 sq. ft. or 40% of the total floor area of the primary dwelling, whichever is

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greater. The owner has signed a notarized statement that she will reside at the premises upon completion of the project.

**Procedural Summary:** This request for a Special Permit was filed with the Town Clerk and the Planning Board on November 28, 2023. A Public Hearing before the Planning Board was duly advertised and notices sent to all abutters in accordance with MGL Chapter 40A. The hearing was opened on January 25, 2024 and closed on the same date when the Planning Board approved the Special Permit with conditions including the Planning Board standard conditions.

**Hearing Summary:** The public hearing was opened on January 25, 2024 with agent Stephen Bjorklund present on behalf of applicant/owner Angela Stout who was also present. Mr. Bjorklund presented that the applicant desires to create an accessory dwelling in half of the existing garage where she will live. She will make the one parking spot shown on the grass as a crushed stone parking space so there will be two parking spots for the accessory dwelling. The unit will be serviced by town sewer and water. There is no square footage change of the garage. A door will be added so there are two means of egress. There are no closets proposed. There is storage proposed, but it is below the ceiling height elevation for counting as square footage. The front elevation will stay the same with two garage doors and there will be a wall on the interior so it will look like a garage. The Board determined that accessory dwelling met the requirements.

**Public Comment:** Eric Langlan of the Water Division indicated that the accessory dwelling is unattached which requires separate water service with connection fee. The Sewer Division commented that the existing sewer line is beyond its useful life and will need to be replaced by a drain layer licensed by the Town of Scituate. A utility plan needs to be submitted showing location of sewer, water, gas and buried electric if applicable. A ½ sewer connection fee (\$8,000) will be owed for adding the accessory dwelling to the sewer system. The Building Commissioner indicated that if the new accessory dwelling adds 20% or more living space to the existing living space, a special permit will be needed from the ZBA (Section 810). If the accessory dwelling is over the garage, the garage ceiling will need to be fire rated. There must be two means of egress for the accessory dwelling and only one can pass through the garage.

**Findings of Fact:** A motion was duly made and seconded to make the following Findings of Fact concerning the accessory dwelling at 22 Beal Place:

1. On November 28, agent Stephen Bjorklund on behalf of applicant/owner Angela Stout applied for a special permit for an accessory dwelling in a detached structure at the property at 22 Beal Place.
2. According to the Town of Scituate Assessor's records and the deed, the property at 22 Beal Place is owned by Angela M. Stout.
3. Based on a floor plan submitted with the application, the Planning Board finds the floor area of the Accessory Dwelling to be 404 sq. ft. The floor area of the primary dwelling is 2,200 sq. ft. according to the application and Assessor's records. The accessory dwelling is 18% of the floor area of the primary dwelling. This meets the size requirements of 530.2F of the zoning bylaw for accessory dwellings as the bylaw allows 750 sq. ft. or

40% of the total floor area of the primary dwelling, whichever is greater. The accessory dwelling is subordinate to the existing single-family home.

4. The Accessory dwelling unit will be a complete separate housekeeping unit and there will be only one accessory dwelling on the lot.
5. The property is in the Residential R-3 Zoning District. The proposed accessory dwelling structure meets all the required setbacks, building height and yard requirements for a primary dwelling.
6. The proposed accessory dwelling is to be located in the existing detached garage of the existing single-family home. Access will be via doors on the west and east sides of the detached accessory dwelling.
7. The appearance of the accessory dwelling will be in keeping with the appearance of the primary dwelling.
8. The Site Plan for 22 Beal Place, Scituate, MA by Webby Engineering Associates, Inc. dated November 22, 2023 shows the location of the existing primary dwelling and the proposed accessory dwelling inside the existing detached garage. The plan shows a paved driveway which appears capable of supporting two cars for the primary dwelling. There is a garage space and room on the lawn for two cars for the accessory dwelling. The applicant will create a crushed stone parking space for 1 car on the lawn. Ample parking appears to be provided.
9. The applicant/owner has submitted a signed, notarized statement that he will occupy one of the dwellings upon completion of the project.
10. The accessory dwelling will be serviced by Town water and sewer. The Water Department has commented that the accessory dwelling will require a separate water service with a connection fee. The Sewer Division indicated the existing sewer line is beyond its useful life and will need to be replaced by a drain layer licensed by the Town of Scituate. They would like a plan showing the utility locations of sewer, water, gas and buried electric if applicable. A ½ sewer connection fee of \$8,000 will be owed for adding the accessory dwelling to the sewer system.
11. The application meets the standards of the Scituate Zoning Bylaw for an Accessory Dwelling Special Permit

The Special Permit for an accessory dwelling at 22 Beal Place is approved with the following conditions in addition to the standard conditions for accessory dwellings approved by the Planning Board after a public hearing on 12/17/15:

1. Except for any changes necessary to meet these conditions, any construction shall substantially conform to plans submitted with the application by 209 Design dated October 16, 2023 consisting of 1 sheet including Elevations & Floor Plans – Design 3 Sheet A1 for Angela Stout, 22 Beal Place, Scituate, MA; Plan of Land at 22 Beal Place, Scituate, MA prepared for Angela Stout dated November 22, 2023 by Webby Engineering Associates, Inc.
2. The number of bedrooms in the accessory dwelling is limited to one in the location and size

indicated on the floor plan submitted with the application.

3. No further expansion of the accessory dwelling floor area is allowed without further review by the Planning Board.
4. Upon occupancy of the accessory dwelling, the applicant shall provide a notarized affidavit that an owner is living in one of the dwelling units. A yearly certification that the owner occupies one of the dwelling units must be provided by March 1 yearly.
5. All requirements of the Board of Health, Building Department, Zoning Board of Appeals, Department of Public Works, Fire Department and other Town agencies must be met prior to occupancy of the accessory dwelling. The applicant has filed with the Zoning Board of Appeals for a Section 6 Finding for the frontage.
6. The accessory dwelling shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire and health codes and bylaws.
7. Water connection must meet all requirements of the DPW Water Division for the accessory dwelling. A separate service is required with a connection fee.
8. Sewer connection must meet all requirements of the DPW Sewer Division for the accessory dwelling. The sewer line is beyond its useful life and shall be replaced by a drain layer licensed by the Town of Scituate in the location as directed by the Sewer Division. A plan showing the location of the utilities including sewer, water, gas and buried electric if applicable shall be provide to the Sewer Division and utilities included on the as-built. A ½ sewer connection fee of \$8,000 will be owed for the accessory dwelling.
9. Any lighting installed shall be down lighting to not shed light on abutting properties.
10. Construction work shall not begin prior to 7:00 am weekdays and 8:00 am on Saturdays and shall cease no later than 7:00 pm or sunset whichever is earlier. No construction shall take place on Sundays or legal state and federal holidays. Construction includes idling of vehicles, delivery of materials to the site and all other construction activities.
11. Runoff from the proposed accessory dwelling shall not be increased from the property. If there is an increase in impervious area over 25%, then a Stormwater Permit will be required.
12. Erosion and sedimentation control devices shall be installed to prevent any erosion or sedimentation from leaving the site during construction. Silt sock or silt fence shall be used as necessary and extended around the limit of work so disturbance beyond what is shown on the plan is not allowed.
13. The appearance of the accessory dwelling will be in keeping with the primary dwelling unless otherwise required by the Massachusetts Building Code and new exterior stairs needed

to provide primary or secondary means of egress for the accessory dwelling shall be located on the side or rear of the building.

14. At least two private off-street parking spaces shall be available for use by the occupants of the accessory dwelling in addition to those parking spaces required for the primary dwelling. The applicant shall be required to construct the fourth parking space of crushed stone or an approved equal so that parking is not occurring on the grass.

The standard conditions for accessory dwellings approved by the Planning Board on 12/17/15 shall be conditions of this decision and shall be included for recording at the Registry of Deeds.

- A. The applicant shall meet all requirements of the Building Department, Board of Health, Department of Public Works, Fire Department, Water Department, Conservation Commission and other town agencies.
- B. The property shall contain a maximum of two dwelling units, the primary dwelling and the accessory dwelling as proposed. The footprint, number of bedrooms and/or square footage shall not be increased without prior approval of the Planning Board.
- C. The owner of the property shall reside on the property as long as it contains an accessory dwelling unit.
- D. The Planning Board may require an on-site inspection for conformance to the approved plans and these conditions prior to the issuance of a Certificate of Occupancy for the accessory dwelling.
- E. An Accessory Dwelling Special Permit Certification of Ownership and Occupancy signed by any new owner shall be provided to the Planning Board within seven days of the closing of the sale of the house. It is recommended that this be signed at the closing.
- F. At any time, at the request of the Planning Board the owner shall provide a notarized affidavit indicating that either the primary or accessory unit is owner occupied.
- G. No on-street parking by occupants of the primary or accessory dwelling shall be permitted at any time.
- H. Construction vehicles/equipment shall not idle, be parked, stored, loaded or unloaded in the street.
- I. This Special Permit shall be void if it is not recorded at the Registry of Deeds within 90 days of the date of filing with the Town Clerk. The owner shall provide proof of this recording to the Planning Board.

- J. This Special Permit shall lapse within two years from the date of its issuance unless substantial use or construction has commenced prior to that time in accordance with MGL Chapter 40A, Section 9.
- K. The Planning Board reserves the right to review compliance with this special permit at any time. This Special Permit shall terminate if the use is not in accordance with this decision and its conditions.

**Vote:**

Based on the Findings of Fact and the evidence and information provided by the applicant and obtained through the public hearings, the members of the Planning Board hearing this application voted unanimously to approve the Special Permit for an Accessory Dwelling at 22 Beal Place with the conditions noted above.

January 25, 2024

Date

SCITUATE PLANNING BOARD

Patricia J. Lambert  
John P. Sullivan  
Ann Barbore  
Tom  
Rose e. J.

This decision was filed with the Town Clerk on January 29, 2024  
date

Appeal of this special permit may be made pursuant to M.G.L. Chapter 40A, Section 17, and shall be filed in a court of competent jurisdiction. Proof of that filing shall be provided to the Town Clerk within twenty (20) days of the date of the filing of the decision with the Town Clerk.

This special permit will not become effective until such time as an attested copy of this decision has been filed with the Plymouth County Registry of Deeds, after the expiration of the appeal period of twenty (20) days.

The Planning Board certifies that it has complied with all statutory requirements of MGL Chapter 40A, Sections 9 and 11, and will file copies of this decision with the Town Clerk. The Planning Board further certifies that it has taken into consideration all testimony rendered at the Public Hearing, the comments and suggestions of other boards which have reviewed and made comments on the plans

